UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST HOME DESIGNING, INC., a Washington corporation, Plaintiff, v. PRH, LLC, d/b/a PACIFIC RIDGE HOMES, a Washington limited liability company, D.R. HORTON, INC., a Delaware corporation, Defendants.	No. COMPLAINT

For its Complaint for Damages and Injunctive Relief, Northwest Home Designing, Inc. ("NHD") alleges:

I. PARTIES

1. Plaintiff Northwest Home Designing is a Washington corporation with its principal place of business in University Place, Washington.

2. Defendant PRH, LLC is a Washington limited liability company with its principal place of business in Bothell, Washington. Upon information and belief, PRH, LLC does business as Pacific Ridge Homes. Upon information and belief, Pacific Ridge Homes is engaged in the homebuilding business and has constructed homes in this judicial district, including homes that infringe Northwest Home Designing's copyrights as hereinafter described.

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3. Defendant D.R. Horton is a Delaware corporation. Upon information and belief, D.R. Horton acquired Defendant Pacific Ridge Homes in the spring of 2015.

II. JURISDICTION AND VENUE

4. This is an action for copyright infringement. The Court has subject matter jurisdiction under 28 U.S.C. § 1338 and 17 U.S.C. §§ 501 *et seq*.

5. Upon information and belief, Defendants regularly engage in business in this judicial district and the claims arise from Defendants construction activities in this judicial district. The Court has personal jurisdiction over the Defendants. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400 and 1391.

III. FACTS

6. NHD is a residential design company engaged in the business of designing and selling home plans.

7. In or about 2006, NHD created an original home design identified as NHD #2635. A copy of the NHD 2365 design is attached hereto as Exhibit A.

8. NHD obtained Copyright Registration No. VA 1-666-805 for NHD #2635, which is valid and subsisting. A copy of the registration certificate is attached hereto as Exhibit B.

9. In or about 2006, NHD created an original home design identified as NHD #2667. A copy of the NHD 2667 design is attached hereto as Exhibit C.

10. NHD obtained Copyright Registration No. VA 1-662-474 for NHD #2667, which is valid and subsisting. A copy of the registration certificate is attached hereto as Exhibit D.

11. NHD licenses its home designs to builders.

12. In or about 2006, Pacific Ridge approached NHD looking for new designs. Pacific Ridge was interested in narrow home designs and three-story attic truss designs. NHD shared numerous design plans and marketing brochures with Pacific Ridge Homes. Pacific Ridge also had access to NHD designs through NHD's website and NHD's publications.

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Despite their interest in NHD's designs, Pacific Ridge, never purchased a license from NHD to build any of NHD's designs. Pacific Ridge indicated that they did not want to pay a license fee for each use of the plans, which is a standard practice in the industry.

13. Upon information and belief, Pacific Ridge copied Plaintiffs 2635 plan and made minor changes to that design to create the Sanford plan. Thus the Sanford is a derivative of the NHD 2635 plan.

14. The Sanford design is substantially similar to the NHD 2635 design as demonstrated by comparing the documents attached hereto as Exhibits E and F. The substantial similarities include, but are not limited to the building form, arrangement of spaces and placement of rooms, dimensions, traffic flow, elevations, fenestration patterns, and location of plan features.

15. Pacific Ridge copied the NHD 2635 design plan without the permission or consent of NHD, and used the unauthorized Sanford design to construct one or more homes.

16. Upon information and belief, Pacific Ridge copied Plaintiffs 2667 design plan and made minor changes to that design to create the Kimball plan. Thus the Kimball is a derivative of the NHD 2667 plan.

17. The Kimball design is substantially similar to the NHD 2667 design as demonstrated by comparing the documents attached hereto as Exhibits G and H. The substantial similarities include, but are not limited to the building form, arrangement of spaces and placement of rooms, dimensions, traffic flow, elevations, fenestration patterns, and location of plan features.

18. Pacific Ridge copied the NHD 2667 design plan without the permission or consent of NHD, and used the unauthorized Kimball design to construct one or more homes.

19. Upon information and belief, Pacific Ridge constructed numerous homes based on the Sanford and Kimball plans.

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20. Upon information and belief, Pacific Ridge was acquired by D.R. Horton in 2015. Following the acquisition, D.R. Horton has continued using the Sanford and Kimball plans to build homes. NHD did not consent to D.R. Horton's use of the Sanford and Kimball plans to build homes.

21. D.R. Horton is the largest homebuilder by volume in the United States and has operations in 27 states across the US.

22. Upon information and belief, Pacific Ridge operates as a division of D.R. Horton servicing the greater Seattle, WA area.

FIRST CLAIM
COPYRIGHT INFRINGEMENT 17 U.S.C. §§ 501, *et seq.*

23. Upon information and belief, Defendants have infringed NHD's copyrights in one or more of NHD's designs, including the 2635 and 2667, by redrawing, reproducing, or modifying such designs to construct one or more homes.

24. Defendants did not obtain the permission or consent of NHD to redraft, reproduce, modify, or copy NHD's designs beyond the scope of negotiated licenses.

25. Upon information and belief, Defendants infringed NHD's copyrights in one or more of NHD's designs, including the 2635 and 2667, by negligently and/or intentionally using one or more of NHD's designs in Defendant's advertisements.

26. Defendants did not obtain the permission or consent of NHD to use NHD's designs in Defendant's advertisements.

27. Defendants' copying and use of NHD's home designs without NHD's permission or consent constitutes infringement of NHD's copyrights.

28. Upon information and belief, Defendants' infringement was willful.

29. Based upon this infringement, NHD has suffered damages in an amount to be proven at trial.

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30. Damages are not an adequate remedy, however, and NHD is entitled to injunctive relief to prevent Defendants from further infringing NHD's copyrights.

IV. PRAYER FOR RELIEF

NHD respectfully prays that:

1. Defendants, their employees, representatives, and agents be permanently enjoined from publishing, marketing, selling or using NHD's copyright works or any works substantially similar thereto;
2. An accounting be had of Defendants' profits earned in conjunction with the use of NHD's designs, to include, without limitation, from the sale of infringing homes;
3. The Court order disgorgement of Defendants' ill-gotten profits to NHD;
4. The Court award NHD punitive damages for Defendants' willful acts of infringement;
5. The Court award any and all relief to which NHD may be entitled pursuant to the Copyright Act, 17 U.S.C. §§ 502, 503, 504, and 505;
6. For judgment against Defendants for all costs and attorney fees as authorized by law;
7. For leave to freely amend the pleadings; and
8. All such other relief as the Court may deem just and proper.

V. DEMAND FOR JURY TRIAL

NHD demands a trial by jury on all issues so trialable.

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DATED this 1st day of February, 2017.

s/Samuel T. Bull

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